That authority be given to the Library Committee to extend the time after one o'clock, during which the Library shall be open to such hours as they may see fit, provided that no additional expense be incurred.

Adopted.

The Tellers of Election reported that the following Candidates had been duly elected to membership in the Society:

Lord Lister, London.
Prof. W. C. Roentgen, Würzburg.
Owen Wister, Philadelphia.
Samuel N. Rhoads, Philadelphia.
Fridtjof Nansen, Lysaker, Norway.
Stewart Culin, Philadelphia.
S. F. Peckham, Ann Arbor.
Charles F. Mabery, Cleveland.
Edward Orton, Columbus, O.
Prof. Theodor Tschernyschew, St. Petersburg.
Prof. A. Karpinsky, St Petersburg.
Theodore N. Ely, Philadelphia.

Dr. Hays offered the following resolution:

That a Committee of five be appointed by the Chair to consider and report upon the present status of the Magellanic Premium, and whether anything can be done to more fully carry out the original intentions of its founder.

Adopted.

The Society was then adjourned by the presiding officer.

INTERNATIONAL ARBITRATION.

BY HON. GEORGE F. EDMUNDS.

(Read May 21, 1897.)

The subject of international arbitration is becoming more and more interesting, and possibly, in view of its latest developments, somewhat more difficult of realization.

The idea of arbitration, whether between individuals or nations,

necessarily implies a state of difference in respect of rights or duties. In the municipal State these rights are established or defined by municipal law, either written or unwritten, and they are compulsory in the sense that the aggrieved individual may appeal to the power of the State to compel a recognition of his rights or a redress for his wrongs.

This principle is equally true in respect of its nature as between sovereign and independent States, with the exception that there is no common tribunal yet established which has the authority to decide upon, and much less compel obedience to, these principles.

The idea, therefore, of international arbitration presupposes that there must be some rule or law that is to be the standard by which to measure the disputed rights or duties that may be drawn in question between sovereign States.

These rules or laws are what we call international law. It is not founded in any essential sense upon the same grounds as is municipal law, for that is founded upon the assumed consent of all the people who compose an organized State to which they have given the authority, through their representatives of whatever kind, to declare what their conduct toward each other shall be.

International law, therefore, which is to be administered through international arbitration, unless there be special provision made in an agreement for arbitration other or further than what international law requires, is really and in its widest aspects the law inherent in the nature of man; that is natural law, as it is called by the writers. And this natural law may be reduced to its last and best analysis in the statement, which is the foundation of all practical religion, that every man and nation should do to another that which he or it would wish another to do to himself or itself.

But the law of nations has undergone—as have the social conditions of mankind in the long centuries that have preceded us—a great improvement. Some of the earliest writers on the subject have undertaken to defend the use of poisoned weapons in war; later writers have been shocked at such propositions, as, justly, they should have been. An interesting and comprehensive discussion of the nature and history of natural and international law was given by Vattell a century and a half ago, and it may be found in the Preface to the comparatively recent editions of his treatise on the law of nations.

I affirm (notwithstanding the doubts in this respect of very emi-

nent and able gentlemen expressed within a year or two) that there is such a thing as international law that is just as binding upon independent nations in every sense as is municipal law upon the individuals composing a State. It is true that this international law cannot be adjudged in particular cases by a preëstablished tribunal or executed by a sheriff or constable. But it is not the less binding upon the moral sense or honor (if there be any difference in the expression) of every nation having relations with another.

The progress of civilization has been such that nations have come more and more to feel the necessity of, and their obligation to obey, the fundamental principles of justice that every one will admit exist between individual men in a state of nature. Men in a state of nature have found that they could not exist safely and make progress without the establishment of associations respecting common rights and duties which we call States. Thus associated, they bear the same relations as States to each other that they bore toward each other in a state of nature; that is, the duties of justice and right. In their formation of States as between each other, they have agreed to establish tribunals to determine rights and to establish authority to compel respect of such rights. The law of nations imposes the same duties and obligations between nations, but it lacks the compulsory power referred to.

This state of things, then, leads at once, and logically, to international arbitration.

I think no one can state a difference in principle between the duties of men toward each other in an organized State and the duties of nations toward each other, although they do not have a federation possessing the power of judgment and coercion through tribunals appointed to decide and powers authorized to execute the decision.

Thus, in the present condition of the world, international arbitration is the only resource short of the *ultima ratio regum* through which disputes between nations that shall have failed to be adjusted through diplomatic means can be determined.

Why is it that it so often happens that arbitration in the place of war does not take place? It is obviously for the reason that the various organized nations of the world are so suspicious of each other that they are not willing to submit their differences to any common tribunal in the brotherhood of nations.

Take, for illustration, the present condition in eastern Europe

and western Asia. The United States, having no possible selfish interest (just or unjust) in the question, might have been appealed to in the person of their chief magistrate to decide, upon due hearing and consideration, what were the respective rights of Greece and of Turkey in Crete, and what were the respective adjustments that ought to be made in respect of European interests in the passage from the Black Sea to the Mediterranean, and in the passage from the Mediterranean to the Red Sea. Had the powers interested in this most difficult question been willing to submit to the United States, or to any other unbiased power, or to a tribunal composed from several States, these perpetual and burning questions which continually involve not merely public war but animosities affecting large communities, unmeasured disaster of life and peace and property might have been avoided. And so it is everywhere in all the frictions and differences that exist in the relations of independent States. The fundamental difficulty is in their want of confidence in each other. The Senate of the United States, I am grieved to say, has very recently demonstrated this want of confidence in any tribunal of an international character to which it should be willing to refer differences even of a very narrow range that might arise between ourselves and that power whose colonies and dependencies are everywhere, and upon whose flag the sun never sets. It may be that motives and considerations less broad than those I have stated have led Senators, as it is reported, to refuse assent to the recent arbitration treaty with Great Britain. And, if this be so, there may be ground for the hope that at some near day in the future this great nation will not be content to rest itself alone on its physical strength, but upon the justice of its cause determined by arbitration in many matters of difference that may arise with another nation, and that in such a case it will be willing to believe and to act upon the belief, that strength is not the absolute test of justice and right, and that the strongest power may sometimes be in the wrong; and, therefore, be willing—strong as it may be—to have its disputes determined by impartial international judges, rather than by the arbitrament of war, with all its miseries.